

COSTANZO LAW FIRM  
111 N. MARKET STREET #910  
SAN JOSE, CA 95113

LORI J COSTANZO SBN 142633  
GABRIELLE J KORTE SBN 209312  
COSTANZO LAW FIRM  
111 North Market Street, #910  
San Jose, CA 95113  
Phone: 408.993.8493  
Fax: 408.993.8496  
Email: Lori@costanzo-law.com

B J FADEM SBN 118819  
B J FADEM AND ASSOCIATES  
111 North Market Street, #910  
San Jose, CA 95113  
Phone: 408.280.1220  
Fax: 408.971.9940  
Email: bjfadem@fademlaw.com

Attorneys for ALLISON ROSS

UNITED STATES DISTRICT COURT, N.D. CALIFORNIA,  
SAN JOSE DIVISION

ALLISON ROSS,  
Plaintiff,

vs.

SANTA CLARA COUNTY SHERIFF'S  
DEPARTMENT; SHERIFF LAURIE SMITH;  
DEPUTY CARY COLLA; DEPUTY PAULO  
CONTRERAS; DEPUTY JEFF A. JORDAHL;  
DEPUTY RICHARD ROWE; DEPUTY R.  
LOPEZ; DEPUTY C. SIMS; SERGEANT  
BENNER; SERGEANT ROWBERRY;  
DEPUTY OBERDORTER; DEPUTY  
RUMLEY; DEPUTY McROBERTS; DEPUTY  
PALONOV; COUNTY OF SANTA CLARA;  
and DOES 1 through 20, INCLUSIVE,

Defendants

Case No.: 14-CV-01770- EJD

**STIPULATION AND REQUEST  
FOR ORDER CHANGING TIME;  
~~PROPOSED~~ ORDER;  
DECLARATION OF LORI  
COSTANZO IN SUPPORT**

//

//

//

Plaintiff and Defendants, by and through their respective counsels, stipulate and request that the court change the times in the Court's Case Management Order (Docket No. 20) filed on August 8, 2014, as described below. The parties have not requested a modification of the original Case Management Order before.

Pursuant to Local Rule 6-2, this request is accompanied by the declaration of attorney Lori Costanzo, counsel for Plaintiff. As set forth more specifically in the declaration, in light of the Plaintiff just having filed her Second Amended Complaint on December 26, 2014, Defendants not yet having filed an Answer or other responsive pleading, Plaintiff's deposition set for January 5, 2015, as well as the need for Plaintiff to file a motion to obtain personnel files of each officer before taking each officer's deposition, the parties wish to have more time to complete discovery.

Accordingly, Plaintiff – in agreement with Defendants – is requesting a six month continuance of the respective case management dates as follows:

	<u>Current Date</u>	<u>Proposed Date</u>
Fact Discovery Cut-Off	February 6, 2015	August 6, 2015
Designation of Opening Experts w/Reports	March 6, 2015	September 4, 2015
Designation of Rebuttal Experts w/Reports	March 20, 2015	September 21, 2015
Expert Discovery Cutoff	March 27, 2015	September 28, 2015
Deadline(s) for Filing Discovery Motions	See Civil Local Rule 37-3	
Last Day for Dispositive Motion Hearing	April 3, 2015	October 5, 2015
Preliminary Pretrial Conference	January 16, 2015	Court's convenience
Joint Preliminary PreTrial Conference Stmt	January 6, 2015	July 6, 2015
Trial	Not yet set	

1 **IT IS SO STIPULATED.**

2 Dated: December 30, 2014

Respectfully submitted,

3 By: /s/  
LORI COSTANZO

4  
5 Attorneys for Plaintiff  
ALLISON ROSS

6 I hereby attest that I have on file the holograph signature for the signature indicated by a  
7 “conformed” signature (/s/) within the e-filed document.

8 Dated: December 30, 2014

Respectfully submitted,

9 ORRY P. KORB  
County Counsel

10  
11 By: /s/  
ARYN PAIGE HARRIS  
Deputy County Counsel

12  
13 Attorneys for Defendants  
14 SANTA CLARA COUNTY SHERIFF’S  
DEPARTMENT, ET AL.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COSTANZO LAW FIRM  
111 N. MARKET STREET #910  
SAN JOSE, CA 95113

**ORDER**

The Court has considered the Stipulation and request by the parties to change the time of the set forth in the court's Case Management Order (Docket No. 20). The Court having determined that the request is properly supported, hereby makes the following Order:

The Case Management Order is modified to reflect the following:

Fact Discovery Cut-Off	August 6, 2015
Designation of Opening Experts with Reports	September 4, 2015
Designation of Rebuttal Experts with Reports	September 21, 2015
Expert Discovery Cutoff	September 28, 2015
Deadline(s) for Filing Discovery Motions	See Civil Local Rules
Hearing on Anticipated Dispositive Motions	9:00 a.m. on October 1, 2015
Trial Setting Conference	11:00 a.m. on July 16, 2015
Joint Trial Setting Conference Statement (see Section (C)(2) of Standing Order for Civil Case)	July 6, 2015

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: January 2, 2015

By:   
EDWARD J. DAVILA  
U.S. District Court Judge

COSTANZO LAW FIRM  
111 N. MARKET STREET #910  
SAN JOSE, CA 95113

**DECLARATION OF LORI COSTANZO**

I, Lori Costanzo, declare:

1. I am an attorney with the Costanzo Law Firm, attorneys of record for Plaintiff herein. I am licensed to practice law before the courts of the State of California and I am admitted to practice in the United States District Court for the Northern District of California.

2. I know the facts herein stated of my own personal knowledge and if called upon to do so, I could competently testify to them under oath.

3. Plaintiff's Second amended Complaint was recently filed on December 26, 2014.

4. Defendants have not yet filed an Answer or other responsive pleading to Plaintiff's Second Amended Complaint.

5. Plaintiff's deposition is scheduled to be taken on January 5, 2015.

6. Plaintiff needs to obtain copies of each individual defendant's personnel file before taking their depositions, and will likely have to file a motion to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 30, 2014, at San Jose, California.

Dated: December 30, 2014

COSTANZO LAW FIRM and the  
LAW OFFICES OF B J FADEM &  
ASSOCIATES

By: /s/\_\_\_\_\_

Lori J. Costanzo  
Attorneys for Plaintiff, ROSS